

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.23954 of 2005

Date:21.11.2005

-

T.Suryanarayana.

-----PETITIONER

The Union of India and others.

-----RESPONDENTS

ORDER:

The petitioner was employed in various capacities in the Department of Telecommunications and thereafter, in the Bharat Sanchar Nigam Limited after the reconstitution of the Organization. On 30.12.1998, he was promoted from the post of 'Assistant Director' to the post of 'Divisional Manager'. A charge sheet was issued against the petitioner on 29.11.1999, on certain allegations. After conducting the departmental enquiry, the appointing authority reverted the petitioner to the post of Assistant Director, through proceedings, dated 27.01.2000. On an earlier occasion, the petitioner challenged the said proceedings in O.A.No.241 of 2000 before the Central Administrative Tribunal, Hyderabad. Initially the O.A. was allowed on 04.04.2002, but on being informed, by filing a review petition, that the Tribunal does not have the jurisdiction, it reviewed its order and left it open to the petitioner to work out his remedies. Hence, this Writ Petition.

After the Tribunal reviewed its order, an important development has taken place. The respondents sought the opinion of the Union Public Service Commission (for short 'the Commission'), in relation to the order of reversion, dated 27.01.2000, passed against the petitioner. On an examination of the

matter, the Commission rendered its opinion to the effect that the charges levelled against the petitioner cannot be said to have been proved. The respondents accepted the advice, and through their proceedings, dated 13.08.2004, dropped the charges as well as the consequential action taken against the petitioner. The grievance of the petitioner is that though the disciplinary proceedings in their entirety have been dropped, the respondents have not extended the consequential benefits to him.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The necessity for this Court to verify the legality and correctness of the disciplinary proceedings initiated against the petitioner is obviated, on account of the reason that the respondents themselves dropped the proceedings, based on the advice rendered by the Commission. The petitioner suffered the penalty of reversion from the post of Divisional Engineer to Assistant Director, on account of the disciplinary proceedings. Once the disciplinary proceedings have been dropped in their entirety, the petitioner is entitled to be restored to the same position, which he would have occupied, but for the disciplinary proceedings. There cannot be any justification for the respondents in delaying the matter, even after dropping the disciplinary proceedings.

For foregoing reasons, the Writ Petition is allowed, and the respondents are directed to restore to the petitioner, all the benefits that he would have been entitled to, but for the order of reversion, dated 27.01.2000, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

21.11.2005

Jsu

